

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DEASHUN WALKER, individually and*
as assignee of Terry Spivey, *

Plaintiff, *

v. *

Civil Action No.:

STATE FARM FIRE AND CASUALTY
COMPANY, *

Defendant. *

NOTICE OF REMOVAL

COMES NOW State Farm Fire and Casualty Company (hereinafter referred to as "State Farm"), defendant in the above-styled action, and hereby files this notice of removal of the action herein referred to from the State Court of Dekalb County, Georgia to the United States District Court for the Northern District of Georgia, Atlanta Division, respectfully showing to the Court as follows:

1.

State Farm is a defendant in a civil action brought against it in the State Court of Dekalb County, Georgia in an action entitled:

DEASHUN WALKER, individually and*
as assignee of Terry Spivey, *

Plaintiff, *

v.

STATE FARM FIRE AND CASUALTY
COMPANY,

Defendant.

*

* Civil Action No.: 23A03715

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2.

Copies of all process, orders, and pleadings filed in said action to date are attached hereto as Exhibit "A".

3.

Said action was commenced by the filing of the complaint against the defendant on August 15, 2023.

4.

State Farm was served with the summons and complaint on August 18, 2023.

5.

The controversy between plaintiff and defendant is a controversy between citizens of different states.

6.

At the commencement of said action and at all times thereafter:

- a. Plaintiff was a citizen of the United States who is domiciled in the state of Georgia; therefore, plaintiff is a citizen of the state of Georgia.
- b. State Farm is an Illinois corporation with its

principal place of business located in Bloomington, Illinois; therefore, State Firm is a corporate citizen of the state of Illinois.

7.

Based upon the allegations in plaintiff's complaint, the matter in controversy exceeds the sum of \$75,000.00, exclusive of interests and costs, and is a civil action brought in a state court over which the United States District Court has original jurisdiction based upon diversity of citizenship between the parties, pursuant to 28 U.S.C. § 1332.

8.

Said action is one which may be removed to this Court, and this notice of removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446.

9.

State Farm has filed this notice of removal within thirty (30) days after service of the summons and complaint upon it.

10.

Written notice of the filing of this notice of removal and of the removal of the above-styled action is being delivered to all parties, through their counsel. A copy of this notice of removal will be filed promptly with the State Court of Dekalb County, Georgia.

11.

The undersigned has read this notice of removal, and to the best of the undersigned's knowledge, information, and belief, formed after reasonable inquiry, it is well grounded in fact, is warranted by existing law, and is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the costs of litigation.

WHEREFORE, State Farm prays that this notice of removal be filed, that said action designated as Civil Action Number 23A03715 in the State Court of Dekalb County, Georgia be removed to and proceed in this Court, and that no further proceedings be had in said case in the State Court of Dekalb County, Georgia.

This 12th day of September, 2023.

YOUNG, THAGARD, HOFFMAN, LLP

Address of Counsel:

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Valdosta, GA 31604
229-242-2520
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By: /s/ J. Holder Smith, Jr.
J. Holder Smith, Jr.
State Bar No.: 661105
Attorney for Defendant
State Farm Fire and Casualty
Company

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **NOTICE OF REMOVAL** upon the following using the CM/ECF system which will send notification of such filing to the following and also by electronic service by email:

Mr. Peter Jaraysi
Mr. Andrew Cobb
Jaraysi Law, LLC
2250 Satellite Blvd. Ste. 120
Duluth, GA 30097
Email: peter@jaraysilawfirm.com
Email: andrew@jaraysilawfirm.com

This 12th day of September, 2023.

YOUNG, THAGARD, HOFFMAN, LLP

Address of Counsel:

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By: /s/ J. Holder Smith, Jr.
J. Holder Smith, Jr.
State Bar No.: 661105
Attorney for Defendant
State Farm Fire and Casualty
Company